

JUN 24 1991

ORIGINAL

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C.

- - - - - x

In the Matter of :

1989 SATELLITE CARRIER ROYALTY : Docket No. 91-1-89SCD
DISTRIBUTION PROCEEDING

:
- - - - - x

COMMENTS ON EXISTENCE OF A CONTROVERSY
AND NOTICE OF INTENT TO PARTICIPATE
IN PROCEEDINGS OF THE AMERICAN SOCIETY
OF COMPOSERS, AUTHORS & PUBLISHERS,
BROADCAST MUSIC, INC. AND SESAC, INC.

The American Society of Composers, Authors and
Publishers ("ASCAP"), Broadcast Music, Inc. ("BMI") and
SESAC, Inc. ("SESAC") (collectively, the "Music Claimants")
hereby file their joint comments on the existence of a
controversy, and their joint notice of intent to
participate, in the 1989 satellite carrier royalty
distribution proceeding, in accordance with the Copyright
Royalty Tribunal's Notice of May 20, 1991, 56 Fed. Reg.
23,051.

I. COMMENTS ON EXISTENCE OF A CONTROVERSY

As this is the first satellite carrier
distribution proceeding, we presume that the Copyright
Royalty Tribunal will conduct such proceedings in two
phases, as it conducts cable royalty distribution

proceedings. Phase I will determine the shares of categories of claimants with similar interests (such as Music, Program Suppliers, Sports, and so forth). Phase II will determine the shares of individual claimants within each category. We further presume that the Tribunal will designate Music -- including those claimants who are or represent the copyright owners of musical compositions performed in distant programming transmitted by means of satellite carriers -- as one of the Phase I categories.

A. Phase I

The Music Claimants have not reached agreement regarding settlement of Phase I of the 1989 satellite carrier royalty distribution proceeding with other Phase I claimant groups. Consequently, as of this date, a Phase I controversy exists.

B. Phase II

ASCAP, BMI and SESAC have reached agreement regarding settlement of Phase II claims within the Music category. We are unaware of any other claimants within the Music category. Consequently, if no other such claimants exist, no Phase II controversy exists within the Music category.

II. NOTICE OF INTENT TO PARTICIPATE

A. Phase I


The Music Claimants hereby give notice of their intent to participate jointly in any Phase I controversy in the 1989 satellite carrier royalty distribution proceeding.

B. Phase II

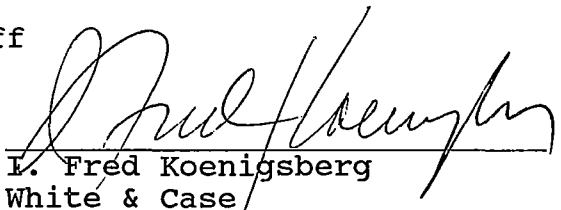
The Music Claimants hereby give notice of their intent to participate jointly in any Phase II controversy within the Music category of the 1989 satellite carrier royalty distribution proceeding, should any such controversy exist.

Respectfully submitted

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS


Bernard Korman
ASCAP
One Lincoln Plaza
New York, NY 10023
(212) 621-6210

Of counsel: Bennett M. Lincoff


I. Fred Koenigsberg
White & Case
1155 Avenue of the Americas
New York, NY 10036-2787
(212) 819-8806

BROADCAST MUSIC, INC.

Charles Duncan / jid
Charles T. Duncan
Michael W. Faber
Joseph J. DiMona
Reid & Priest
Market Square
701 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 508-4081

Of counsel: Edward W. Chapin

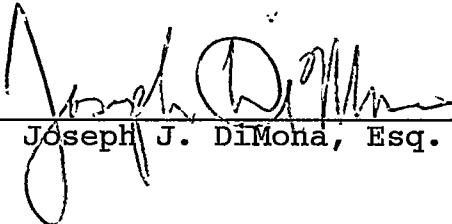
SESAC, INC.

Laurie Hughes / q
Laurie Hughes
SESAC, Inc.
55 Music Square East
Nashville, TN 37203
(615) 320-0055

Dated: June 24, 1991

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on this 24th day of June, 1991, via first-class mail, postage prepaid, to each of the parties on the official service list.



Joseph J. DiMona, Esq.

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket No. 91-3-SCRA]

1991 Satellite Carrier Royalty Rate Adjustment**AGENCY:** Copyright Royalty Tribunal.**ACTION:** Notice.

SUMMARY: The Tribunal gives notice that the period for negotiations to adjust the satellite carrier royalty rate is scheduled to begin July 1, 1991. The Tribunal requests that those parties who expect to be a part of those negotiations file notices of intent to participate with the Tribunal.

DATES: Notices of intent to participate are due June 17, 1991.

ADDRESSES: An original and five copies of the notice should be addressed to: Chairman, Copyright Royalty Tribunal, 1825 Connecticut Avenue, NW., suite 918, Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue, NW., suite 918, Washington, DC 20009 (202-673-5400).

SUPPLEMENTARY INFORMATION: In 1988, Congress created a satellite carrier compulsory copyright license. The initial royalty rate for the first few years of the license was set by Congress. Any adjustment to that rate was to be determined first by voluntary negotiations, and then by arbitration. The voluntary negotiations are scheduled to begin on July 1, 1991.

The Copyright Royalty Tribunal has received a motion from some of the copyright owners interested in the satellite carrier royalty fund—Program Suppliers, Joint Sports Claimants, Broadcaster Claimants, Public Television Claimants, ASCAP, BMI and SESAC, and the Devotional Claimants.

Federal Register

The copyright owners ask the Tribunal to set a date by which those parties who expect to be part of the negotiations shall file notice of their intentions with the Tribunal. The purpose of such filing is to facilitate the negotiations.

The Tribunal agrees with the copyright owners that such a procedure would be useful, and requests that all those parties who expect to be a part of the negotiations to file a notice of intent to participate with the Tribunal. The notice should include a brief statement of the party's interest in the voluntary negotiations, including whether the party is a copyright owner, satellite carrier, or distributor, and should identify any agent which that party has appointed for purposes of the negotiations.

The notice is due June 17, 1991. This procedure is intended to facilitate negotiations only. Failure to file will not act to bar any party from the negotiations who otherwise has standing to participate.

Dated: May 14, 1991.

Mario F. Aguero,
Chairman.

[FR Doc. 91-11856 Filed 5-17-91; 8:45 am]
BILLING CODE 1410-09-M